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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,109	04/14/2004	Dan Pellerin	60,568-034	7547

27305 7590 10/09/2007  
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EXAMINER
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COZART, JERMIE E

ART UNIT	PAPER NUMBER
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3726

MAIL DATE	DELIVERY MODE
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10/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/824,109

Applicant(s)

PELLERIN ET AL.

Examiner

Jermie Cozart

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-23, 25, 26, 28-30, 33-37, 39-42, 44-47, 50 and 51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-23, 25, 26, 28-30, 33-37, 39-42, 44-47, 50 and 51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Request For Interference***

1. The request for interference filed 4/4/04 and 6/23/05 is acknowledged. However, examination of this application has not been completed as required by 37 CFR 41.102(a). Consideration of a potential interference is premature. See MPEP § 2303.

### ***Specification***

2. The amendment filed 6/23/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: There is no support for "coaxial alignment" in the original disclosure. Although it could very well be, that during assembly with the robotic manipulator, the alignment could be coaxial or not coaxial. However, applicant has not specifically described any coaxial alignment and there is no evidence that it could be inherent to have coaxial alignment. Therefore, this feature is considered new matter added to the disclosure. Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 17-23, 25, 26, 28-30, 33-37, 39, 40, 42, 44-47, 50 and 51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description

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requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims include subject matter that was not part of the original disclosure.

In **claims 17, 33, 44 and 50**, there is no support for the following limitations in the original disclosure:

(A) "coaxially aligning a central axis of the aperture and a longitudinal axis of the valve stem with respect to one another prior to insertion of the valve stem through the aperture." There is no support in the specification for "coaxially aligning" prior to insertion of the valve stem through the aperture in the original disclosure.

(B) "moving the valve stem relative to the rim along a programmable path of travel during the coaxially aligning step and along the aligned axes to insert the valve stem through the aperture, the path of travel defined with a programmable robotic manipulator having an arm capable of compound, multi-axial movement and having a plurality of programmed paths corresponding to a plurality of different size wheel rim and valve stem combinations to be assembled." The specification fails to mention any programming or programmed movement being performed with respect to the above limitations.

In **claim 19**, there is no support for the following limitations in the original disclosure:

(A) "gauging station". There is no support in the original disclosure for a gauging station as noted above.

(B) the step of "selectively moving" the valve stem "in response to the determining step".

In **claims 25 and 39**, there is no support for the following limitations in the original disclosure:

(A) "conveying valve stems to the delivery station in a serial fashion with conveying means". This is new matter because figure 1 shows valve stem stations **92,100** without any conveying means that deliver in serial fashion.

In **claim 28**, there is no support for the following limitations in the original disclosure:

(A) "moving along the path of travel in response to computer-controlled signals".

There is no support in the original specification for any programming of a programmable path of travel in the original disclosure, therefore there is no support for moving along the path of travel in response to computer-controlled signals.

### ***Response to Arguments***

5. Applicant's arguments filed 6/15/07 with respect to the specification have been fully considered but they are not persuasive.

Applicants argue that there is support in the original disclosure/specification for a "gauging station" and "coaxial" alignment. Applicants also argue that there is support in the original disclosure for the limitations of claims 19, 21, and 28.

In response, the Examiner acknowledges that the amendment filed 6/15/07 with respect to claim 1 clarifies the ambiguity with respect to the specification regarding the aforementioned subject matter, however, the remaining limitations of claim 1 particularly

concerning the steps of "coaxially aligning" and "moving" is still considered new matter and not supported by the original disclosure/specification. In addition, the limitations of claims 19, 21, and 28 are still new matter because Applicants specification is broad and rather ambiguous with respect to the subject matter of the aforementioned claims and does not specifically detail the steps of the claims. The original disclosure is incomplete in disclosing the previously mentioned claim limitations cited above under paragraph 4 of the present office action. The highlighted portions of the specification referred to in the response filed by Applicants is not sufficient in overcoming the rejection under 35 U.S.C. 112, 1<sup>st</sup> paragraph.

6. Applicant's arguments, see the response, filed 6/15/07, with respect to the rejection of claims 17, 18, 20, 22, 26, 28-30, 33, 34, 36, 40, 42, and 44-46 under 35 U.S.C. 102(b) as being anticipated by Doan et al. (5,940,960) or in the alternative under 35 U.S.C. 103(a) as being obvious over Doan et al. (5,940,960) in view of Lawson et al. (6,481,083), the rejection of claims 19, 23, 25, 35, 37, 39, 47, 50, and 51 as being unpatentable over Doan et al. in view of Lawson et al., and claims 17-23, 25, 26, 28-30, 33-37, 39, 40, 44-47, and 50 have been fully considered and are persuasive. The rejections of these claims have been withdrawn.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

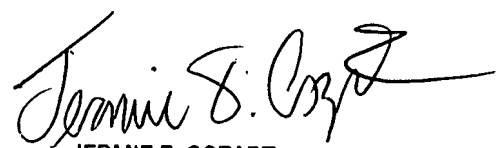
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 16, 2007

  
JERMIE E. COZART  
PRIMARY EXAMINER